

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT
 for the
 Southern District of Texas

United States Court
 Southern District of Texas
FILED

FEB 18 2015

David J. Bradley, Clerk of Court

United States of America)

v.)

William Lee Niver)

) Case No.

H15-181M

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 11/28/2014 in the county of Harris in the Southern District of Texas, the defendant violated Title 18 U. S. C. § 2251(a)

, an offense described as follows:

William Lee Niver did employ, use, persuade, induce, entice, or coerce a person under the age of eighteen to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, which visual depiction was produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means.

This criminal complaint is based on these facts:

See attached Affidavit in Support of Criminal Complaint.

Continued on the attached sheet.



Complainant's signature

Juanae Johnson, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/18/2015

City and state: Houston, Texas



Judge's signature

Frances H. Story, U. S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Juanae J. Johnson, being duly sworn, depose and state:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI) assigned to the Houston, Texas office. I have been so employed since August of 2004. As part of my daily duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252 and 2252A. I have received specialized training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have also participated in the execution of numerous search warrants many of which involved child exploitation and/or child pornography offenses. This Affidavit is made in support of a criminal complaint charging William L. Niver with violations of Title 18 U.S.C. § 2251(a), which makes it a crime to employ, use, persuade, induce, entice, or coerce a person under the age of eighteen to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, which visual depiction was produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means.
2. I am familiar with the information contained in this affidavit based upon the investigation I have conducted and based on my conversations with other law enforcement officers who have engaged in numerous investigations involving child sexual exploitation.
3. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe

that violations of Title 18 U.S.C. § 2251(a) have been committed by William Niver.

4. On February 10, 2015, Special Agent David Fife with HSI Portland, Maine, encountered an individual within the Google Plus community named "D [REDACTED] D [REDACTED]" who was found to also be a moderator on a Google Plus community [REDACTED]. Within this community, SA Fife noted "D [REDACTED] D [REDACTED]" posted a comment on February 7, 2015, stating, "Hi! Haven't posted in awhile. Still looking for people [REDACTED]
[REDACTED]
[REDACTED]. Sorry for the textwall!" "D [REDACTED] D [REDACTED]" followed this post on February 10 and February 11 with several edited images of a female, who exhibited some breast development, in a variety of poses.
5. On February 10, 2015, SA Fife 'added' "D [REDACTED] D [REDACTED]" to his 'circle' within his Google Plus profile. Shortly thereafter, he received a Google Hangouts chat invitation from "D [REDACTED] D [REDACTED]" stating, "Howdy!" The conversation proceeded as follows:

SA Fife: Hey bud

D [REDACTED] D [REDACTED] (hereinafter "DD"): How us doing

DD: How are you doing that is

SA Fife: Good man, at work fuckin around

DD: Lol

DD: Is it that obvious?

SA Fife: Beautiful [REDACTED] u have tho

DD: Thank you!

DD: [REDACTED]

DD: Spell check is killing me here [emoticon].

SA Fife: Yes and whenever I can

DD: With us it's maybe once a week or so

SA Fife: How old?

DD: If I send you pics, you'll keep them private, right?

DD: She's 14

DD: Yours?

SA Fife: 12 and of course

DD: You don't mind naughty pics, right? Don't want to offend you
while we are having fun

SA Fife: Whatever you want bro I'm open

SA Fife: Can't offend me

DD: Lol

DD: You are very laid back

SA Fife: So what u up to? What r u two into

DD: Just sex basically. She talked me into it just over a year ago or
so. In only just now getting to be okay with it emotionally

DD: I went around feeling [REDACTED] terrible [REDACTED] for a long time, still do
occasionally, but not that often

DD: She thinks it's awesome and pushes us to try new things

DD: Lately it has been her wanting to find others who do it

6. At this point in the conversation, at approximately 1:58 p.m., "D [REDACTED]
D [REDACTED]" sent SA Fife a photo within their Google Hangouts chat. The
photo depicts a minor female victim, approximately 13-15 years of age.
The minor, female victim is seated on a stool in her underwear with no
bra. Part of the female victim's right breast is visible, and the female
appears to be looking in a mirror with her face turned away from the
camera. The conversation continued as follows:

SA Fife: Wow very sexy. Im on phone can send pic [REDACTED] little
later. How naughty do u have?

DD: Lol. Try this

7. Following this comment, DD sent another photo at approximately 2:10
p.m. The image depicts a close-up image of a nude, minor, female victim,
reclined and inserting a vibrator into her vagina. Based upon breast
development and the relative size of the victim's body, she appears to be
between the ages of 13 and 16.

8. On that same date, at approximately 8:37 p.m., "DD" sent an image depicting a close-up photo of a prepubescent minor female victim's vagina. Also seen in the image, the victim's anus is being penetrated by an adult male's penis.
9. On February 12, 2015, I presented a search warrant for the residence of William Niver located at 1407 Grand Valley Drive Houston, TX 77090, to the Honorable Judge Mary Milloy. On that same day, Judge Milloy signed the federal search warrant to be executed at 1407 Grand Valley Drive Houston, TX 77090.
10. On Friday, February 13, 2015, Agents of the HSI Cyber Investigations Group executed the federal search warrant received the previous day. Upon entry, agents encountered William L. Niver.
11. I, along with Special Agent Marissa Schwartz, conducted a consensual, noncustodial interview with William Niver. During the interview, Niver confessed to utilizing his Droid Max cellular telephone and a silver digital camera to take nude photos of [REDACTED] CC. Niver stated that he had been taking nude pictures [REDACTED] for approximately two years.
12. I presented Niver with the images sent during the chat conversation between him and the undercover. Niver signed and confirmed that he had produced and sent the image detailed below:
 - a. The photo depicts a minor female victim, approximately 13-15 years of age. The minor, female victim is seated on a stool in her underwear with no bra. Part of the female victim's right breast is visible, and the female appears to be looking in a mirror with her face turned away from the camera.
13. I then showed Niver the photo described below:
 - a. The image depicts a close-up image of a nude, minor, female victim, reclined and inserting a pink and black vibrator into her vagina. Based upon breast development and the relative size of the victim's body, she appears to be between the ages of 13 and 16

years of age.

14. Niver told agents that he has this image in his possession; however, he did not produce the image. Niver did, however, tell the agents that he purchased several vibrators [REDACTED], including a pink and black vibrator, consistent with the one pictured in the photo. During the search of the residence, agents located a pink and black vibrator consistent with the one picture in the photo described above.
15. Niver stated he had taken several photos [REDACTED] and uploaded them to his William.Niver@gmail.com account. Niver further said that, on more than one occasion during online chat conversations, he has distributed the images he'd taken [REDACTED] to the individuals with whom he had engaged in sexually explicit chat conversations. Niver said that on more than one occasion he has masturbated to the images and fantasized about having sex with CC. Niver also informed agents that his wife, Erica Niver, was aware that he was taking nude photos [REDACTED] [REDACTED] and has been aware since he began approximately two years ago.
16. Niver provided account information to the agents which allowed them to access his William.Niver@gmail.com account and daddy.daughter.2000@gmail.com. Niver told agents that he utilized the William.Niver@gmail.com account to store the images he produced of [REDACTED] CC.
17. I utilized the information provided by Niver to access his Gmail account. Once in the Gmail account, I noticed several images of CC in a variety of poses. In the majority of the poses CC was topless exposing her breasts.
18. While in the account, I noticed one image that appears to have been taken on 01/04/2015 at 8:06 p.m. UTC. This image appears to be CC standing nude [REDACTED]. A dark blue and light blue quilt is pictured in the image. This same dark and light blue quilt was found in the residence during the search warrant.
19. Later on February 13, 2015, CC was taken to the Harris County Child

Advocacy Center to be interviewed by a child forensic interviewer regarding [REDACTED] possible abuse.

20. During the forensic interview, CC disclosed that [REDACTED] William Niver had been taking nude and breast photos of her for at least two years. [REDACTED]
[REDACTED]
[REDACTED]

21. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

22. CC was shown a photo depicting a close-up image of a nude, minor, female victim, reclined and inserting a pink and black vibrator into her vagina. CC stated "yes that is definitely me". When asked if Niver took the photo, she stated, he must have. CC further explained that Niver was standing in front of the bed [REDACTED] when the photo was taken.

23. Based on the information delineated above, I respectfully request that the Court find probable cause and issue a Criminal Complaint charging William L. Niver with violations of Title 18 U.S.C. § 2251(a).

Juanae J. Johnson
Special Agent, HSI

Sworn to before me on February 18, 2015 at _____ p.m. CDT in Houston, TX and I find probable cause.

Honorable Nancy K. Johnson
United States Magistrate Judge